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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,723

04/16/2004

Sam Jones

APTC-1-1002

9945

25315

7590

07/28/2006

BLACK LOWE & GRAHAM, PLLC
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SEATTLE, WA 98104

EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,723

Applicant(s)

JONES, SAM

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) 9,11 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a non-final Office Action for application number 10/825,723 Adjustable Woodworking Stand, filed on 4/16/04. Claims 1-13 and 24-26 are pending. Claims 9, 11 and 24-26 are withdrawn. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/13/06 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation " the second member" in line 3 . There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation " the first member" in line 1 . There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation " the first and second members" in line 2 . There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2504291 to Alderfer and in view of United States Patent No. 6505803 to Hernandez.

Alderfer shows the basic inventive concept including teaching a first tubular member (1) with a first member upper and lower ends and a second tubular member (2) being adjustably secured to the first member and having an interior wall defining a void and having an axis and an upper and lower end, the second member extending above the first member upper end in a nested arrangement, a threaded shaft (12) having a shaft axis situated within the void such that the shaft axis extends along the axis, a fine adjustment nut (10) in threaded engagement with the threaded shaft, configured to bear against the upper end of the second member, an orienting pin (15) passing through the shaft intersecting the shaft axis perpendicular thereto wherein the shaft includes a biasing member (11) arranged in opposed relation to the nut relative to the second member which is configured to urge the nut into bearing against the second member upper end, if so desired. Alderfer also discloses a coarse adjustment mechanism (5) coupled between the first and second tubular members and wherein the shaft has a supporting member (25) which is in opposed relation to the biasing member relative to the nut.

Alderfer does not teach wherein the first and second tubular members have a rectangular/square cross section.

Herndandez teaches first and second tubular members (20, 24) in a nested arrangement with a rectangular/square cross-section used to prevent rotation between members. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Hernandez to have used a rectangular/square cross-section for tubular members in order to prevent rotation between the members.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2504291 to Alderfer and in view of United States Patent No. 6505803 to Hernandez as applied to claims 1 and 4 and further in view of United States Patent No. 6305117 to Hales, Sr.

Aldefer and Hernandez teach the basic inventive concept with the exception that they do not teach wherein the coarse adjustment mechanism is a screw rotatably secured to the first member, the screw having a first end selectively bearing against the second tubular member.

Hales, Sr. teaches first and second tubular members (41, 42) with a coarse adjustment mechanism (47) which is a screw rotatably secured to the first member, the screw having a first end selectively bearing against the second tubular member, the screw used to configure the tubular members in a selective position relative to one another. Therefore it would have been obvious to one of ordinary skill in the art from

the teachings Hale, Sr. to have used a screw as the coarse adjustment mechanism in order to lock the tubular members in the desired position relative to one another.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2504291 to Alderfer and in view of United States Patent No. 6505803 to Hernandez and in view of United States Patent No. 6305117 to Hales, Sr. as applied to claims 1, 4, 5, 7 and 8 above and in view of United States Patent No. 2336104 to Laube et al.

Alderfer, Hernandez and Hales, Sr. disclose applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the coarse adjustment mechanism has a friction pad between the first and second tubular member opposite the screw and wherein the supporting member is an outfeed roller assembly.

Laube et al. teaches a first and second tubular members (37, 42) slidably engaged to each other, with a coarse adjustment mechanism having a screw (48), and a friction pad (44) between first and second member opposite the screw (48), used in order to protect the member from screw markings during use. Laube et al. also teaches a support member (C) which is an outfeed roller assembly, used for adjusting the device. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Laube et al. to have added a friction pad, in order to prevent damage to the tubular members during use and to have used the roller assembly in order to adjust the supporting member.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2504291 to Alderfer and in view of United States Patent No. 6505803 to Hernandez, as applied to claim 1 above, and in view of United States Patent No. 5297779 to Collins, Jr. et al.

Alderfer and Hernandez disclose applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the nut is a wingnut with a plurality of wings.

Collins, Jr. et al. teaches a wingnut (54), used so that the user may easily turn it. Any amount of wings would be an obvious design choice, used to easily turn the device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention from the teachings of Collins, Jr. et al. to have selected a plurality winged wingnut so that the fine adjustment might be easily turned.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The reason is that the prior art does not teach wherein the upper end of the first tubular member includes at least three pivot pins, each pivot pin engaging in rotational engagement a leg, the legs together being configured to provide a stable base to the stand.


Conclusion

These documents are considered pertinent to the disclosure and show various adjustable stands

5979854 to Lundgren et al.

2422795 to McNight

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
Primary Examiner
7/19/06